

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

WADE ALLEN EDWARDS,)	
)	
Petitioner,)	
vs.)	NO. CIV-07-824-HE
)	
JIM KEITH, Warden,)	
)	
Respondent.)	

ORDER


Petitioner Wade Allen Edwards, a state prisoner, instituted this action pursuant to 28 U.S.C. § 2254 seeking habeas relief. Consistent with 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Valerie K. Couch, who has recommended that the action be transferred to the United States District Court for the Eastern District of Oklahoma. Venue is improper, she determined, because the petitioner is challenging a conviction obtained in the Eastern District and is presently incarcerated in that judicial district. 28 U.S.C. § 2241(d). The magistrate judge recommended that the action be transferred, rather than dismissed, in light of the one-year statutory limitations period for habeas corpus actions. The petitioner did not object to the Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(C); LCvR72.1(a).

The court concurs with Magistrate Judge Couch that the petition should be reviewed by the United States District Court for the Eastern District of Oklahoma.

Accordingly, the court adopts her Report and Recommendation and **TRANSFERS** this case to the Eastern District of Oklahoma. 28 U.S.C. § 1406(a).¹

IT IS SO ORDERED.

Dated this 29th day of August, 2007.



JOE HEATON
UNITED STATES DISTRICT JUDGE

¹As suggested by the magistrate judge, the pending motions [Doc. Nos. 3, 8] are transferred with the habeas petition.